

Atty Docket No. 018865-001740US

PTO FAX NO.: 571-273-8300

ATTENTION: Examiner HA, Nathan W.

Group Art Unit 2814

**OFFICIAL COMMUNICATION  
FOR THE OFFICE OF PETITIONS**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of MO et al., Application No. 10/630,249, filed July 30, 2003 for FIELD EFFECT TRANSISTOR AND METHOD OF ITS MANUFACTURE are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Petition to Revive, w/fee transmittal (in duplicate), Petition for Revival under 37 CFR 1.137(h), Statement in Support of Petition w/attachments

Number of pages being transmitted, including this page: 14

Dated: June 14, 2007

  
D. Bullock

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300  
0225

61077577 v1

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002/014

PTQ/SB/17 (07-06)

Fees pursuant to the Consolidated Appropriations Act, 2003 (P.L. 4818).

# **FEE TRANSMITTAL**

## **For FY 2006**

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1500)

Complete If Known

Application Number 10/630,249  
Filing Date July 30, 2003  
First Named Inventor Mo, Brian S.  
Examiner Name HA, Nathan W.  
Art Unit 2814  
Attorney Docket No. 018865-001740US

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 20-1430

Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2033.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)  
Each independent claim over 3 (including Reissues)  
Multiple dependent claims

Total Claims Extra Claims Fee (\$)

-30 or HP = x =

HP = highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims Fee (\$)

-3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3

**Small Entity**

Fee (\$)

50 25

200 100

360 180

**Multiple Dependent Claims**

Fee (\$)

Fee Paid (\$)

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x =

**4. OTHER FEE(\$)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revoke under 37 CFR 1.137(b)

Fees Paid (\$)

1500

**SUBMITTED BY**

Signature

Registration No.  
(Attorney/Agent)

37,495

Telephone 415-576-0200

Name (Print/Type)

Bahak S. Sani

Date June 14, 2007

61077566 v1

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JUN 14 2007

PTO/SB/84 (04-07)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
018866-001740US

First named Inventor: MO et al.

Application No.: 10/630,249

Art Unit: 2814

Filed: July 30, 2003

Examiner: HA, Nathan W.

Title: Field Effect Transistor and Method of its Manufacture

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity — fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity — fee \$ 1500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notice of Non-Compliant Amendment and Request to Restart Response Period  
(Identify type of reply):

- ☒ has been filed previously on November 15, 2006.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

[Page 1 of 2]

## 3. Terminal disclaimer with disclaimer fee

PTO/SB/64 (04-07)

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. 20-1430.

5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

[Signature]  
Signature

June 14, 2007  
Date

Babak S. Sanj  
Typed or printed name

37,495  
Registration Number, if applicable

Townsend and Townsend and Crew LLP  
Address

(415) 576-0200  
Telephone Number

Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Address

- Enclosures: ☒ Fee Payment  
☐ Reply  
☐ Terminal Disclaimer Form  
☒ Additional sheets containing statements establishing unintentional delay  
☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (671) 273-8300.

June 14, 2007  
Date

[Signature]  
Signature  
D. Bullock  
Typed or printed name of person signing certificate

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I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office,  
Fax No. 1-371-273-8311 on 6-14-07

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

PATENT  
Docket No.: 018865-001740US  
Client Ref. No.: 17732.7226.001.001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MO et al.

Application No.: 10/630,249

Filed: July 30, 2003

For: FIELD EFFECT TRANSISTOR  
AND METHOD OF ITS  
MANUFACTURE

Confirmation No.: 9390

Examiner: HA, Nathan W.

Art Unit: 2814

STATEMENT IN SUPPORT OF  
PETITION FOR REVIVAL UNDER  
37 CFR 1.137(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a telephone conversation on June 14, 2007 between the undersigned attorney for the Applicants and the examiner, the examiner stated that this application has become abandoned. Applicants submit herewith a Petition for Revival of the application due to unintentional abandonment. The circumstances are:

- 1) On May 30, 2006 a Notice of Non-Compliant Amendment (failure to include claim identifiers) was mailed to the Applicants' attorney. This Notice was not received by the office of the Applicants' attorney.
- 2) On November 14, 2006 the undersigned was informed of the Notice of Non-Compliant Amendment after a due diligence status check was conducted by a paralegal in the attorney's office. An e-mail communication dated November 14, 2006 reporting the existence of the Notice to the undersigned is attached.

MO et al.  
Application No.: 10/630,249  
Page 2

PATENT

- 3) On November 15, 2006, before the expiration of the statutory six month period of reply, Applicants filed a response to the Notice of Non-Compliant Amendment, submitting an amendment with proper claim identifiers. The response also included a request for restarting the response period and waiving the requirement for a three-month extension of time, because the original notice had not been received. The response also included, at two locations, authorization to charge any additional fees to the undersigned's deposit account. Copies of all relevant pages are attached.
- 4) On February 20, 2007 a telephone inquiry for application status was made to the examiner by the undersigned's assistant. The examiner stated that he coincidentally was working at that time on his response to the November 15, 2006 amendment and that a further Office Action could be expected within the next two weeks. A copy of an e-mail reporting this to the attorney is attached.
- 5) On March 6, 2007 both an Office Action on the merits as well as a Notice of Abandonment were mailed and subsequently received by the undersigned. Because of the examiner's statement above, the Notice of Abandonment was assumed to have been obviated by the Office Action. A copy of the first page of the Action is attached.
- 6) On June 14, 2007 (today) the undersigned telephoned the examiner to discuss the Application's claims in response to the Office Action dated March 6, 2007 and learned that the application is considered to be abandoned and that the Office Action dated March 6, 2007 was mailed in error.

#### CONCLUSION

In view of the foregoing, it is believed it has been shown that abandonment of this application was unintentional. It is also believed that the response filed November 15, 2006 was timely and properly filed, for the reasons set out in that

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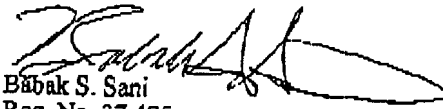
MO et al.  
Application No.: 10/630,249  
Page 3

PATENT

response as well as this statement. It is respectfully requested that the pendency of the application be restored. If a decision is made that the November 15, 2006 response was properly filed, it is respectfully requested that the \$1500 fee for this petition be refunded to the undersigned's Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 576-0200.

Respectfully submitted,

  
Babak S. Sani  
Reg. No. 37,495

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
Attachments  
BSS:deb

B1077535 v1

**Barnes-Anderson, Sherbonne**

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**From:** Barnes-Anderson, Sherbonne  
**Sent:** Tuesday, November 14, 2006 3:30 PM  
**To:** DIAMS Update  
**Cc:** Sani, Babak S.; Bulluck, Deborah E.  
**Subject:** Due Diligence Status Report - 018865-001740US

This came up on the docket because we did not receive an action within six months of our last response, so I checked PAIR, and found that a Notice of Non-Responsive Amendment had been mailed to us on May 30, 2006. We never received it (attached). Since the last Office Action was non-final, we had one month from May 30 to respond. We should ask to have the period for response re-started in view of our non-receipt of the May 30 Notice.

Docketing, please docket the attached Notice, thanks.

This is where the due diligence procedures are paying off - in catching these kinds of problems before abandonment.



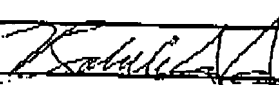
10630249.pdf (97 KB)


Sherbonné Barnes-Anderson (ext. 4237)  
Prosecution Paralegal Supervisor  
Townsend and Townsend and Crew LLP, San Francisco  
sbarnerson@townsend.com



<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/630,249
		Filing date	July 30, 2003
		First Named Inventor	Mo, Brian S.
		Art Unit	2811
		Examiner Name	HA, Nathan W.
Total Number of Pages in This Submission	23	Attorney Docket Number	018885-001/40US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declarations(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks: <input type="checkbox"/> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. *		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Babak S. Sani		
Date	November 15, 2006	Reg. No.	37,495

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1460 on the date shown below.			
Signature			
Typed or printed name	D. Bullock	Date	November 15, 2006

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011/014

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PATENT  
Attorney Docket No.: 018865-001740US  
Client Ref. No.: 17732.7226.001.001

On November 13, 2006

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MO et al.

Application No.: 10/630,249

Filed: July 30, 2003

For: FIELD EFFECT TRANSISTOR  
AND METHOD OF ITS  
MANUFACTURE

Customer No.: 20350

Confirmation No. 9390

Examiner: HA, Nathan W.

Technology Center/Art Unit: 2811

RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT AND  
REQUEST TO RESTART PERIOD FOR  
RESPONSE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is in response to the Notice of Non-Compliant Amendment mailed May 30, 2006. The existence of the Notice was discovered during a due diligence status check on PAIR by a paralegal in the office of the attorney of record. Copies of the paralegal's notification to the undersigned attorney and of the first page of the Notice as downloaded from PAIR are enclosed. As the original Notice was not received by the undersigned, it is respectfully requested that the response period be restarted and that the requirement for a Petition for Extension of Time be waived.

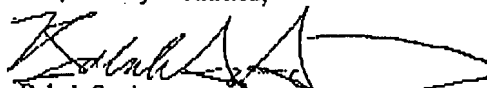
Appl. No. 10/630,249  
Amdt. dated November 15, 2006  
Reply to Office Action of May 30, 2006

PATENT

\* Authorization is given to charge any fees that may be required to the undersigned's Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Babak Sani  
Reg. No. 45,068

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
BSS:deb  
Attachments  
60917506 v1

**Bullock, Deborah E.**

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**From:** Bullock, Deborah E.  
**Sent:** Tuesday, February 20, 2007 12:08 PM  
**To:** Sani, Babak S.  
**Subject:** 18865-001740US

Babak - I called the examiner who was calncidentally working on his response to your amendment right than! He said he would finish it and give it to the group in charge of sending out next week. So we should have an oa in a couple of weeks.



UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	AIRKEY DOCKET NO.	CONFIRMATION NO.
10/630,249	07/30/2003	Brian Sze-Ki Ma	018865-001740US	9790

20330 7590 03/06/2007  
 TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

EXAMINER
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HA, NATHAN W

ART UNIT	PAPER NUMBER
----------	--------------

2814

MAIL DATE	DELIVERY MODE
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03/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

*1 Mo. (Optional) 5/6/2007*  
 Amend/Appeal Due 6/6/2007